

MHKO170006552016



Cri.M.A./142/2016

Sou. Lata Sanjay Chougule...etc 3

Vs.

Shri. Sanjay Raghunath Chougule....etc 4

Order below Exh. 42

1. The applicant has sought attachment of pension of the opponent, claiming that as of today an amount of Rs.4,92,000/- is in arrears towards maintenance. It is further claimed that the opponent is drawing pension of Rs.30,000/- p.m.
2. Say of the opponent was called, however the opponent has failed to file say despite several opportunities. Hence application is proceeded without say of the opponent.
3. Perused application, documents filed. Heard Ld. Adv. On behalf of applicant.
4. The Ld. Advocate on behalf of applicant submitted that, the opponent is absent in the proceeding since long. The warrants were issued against the opponent. However, he could remain present only on the reason of his illness. In this case the opponent no. 1 is getting pension of Rs. 30,000/- per month. On the other hand, the applicant is facing so many difficulties. The opponent has not paid an amount of Rs. 4,92,000/- towards the maintenance of applicant. Therefore the pension of the opponent needs to be attached towards the arrears of maintenance. He relied on the judgment of **P. Amutha Vs. Gunsekaran**. At last he prayed that, pension of opponent no. 1 be

attached.

5. It appears from the record, in Criminal M.A.No. 177/2011 the opponent no. 1 has been directed to pay maintenance @ Rs.2000/- per month to applicant no. 1 and amount of Rs. 1,500/- per month to applicant Nos. 2 & 3 each. The opponent no. 1 have paid certain amounts towards maintenance on the some of the dates of hearing. The opponent has not filed say to present application. Thus the claim of applicant regarding arrears of maintenance of Rs. 4,92,000/- is unopposed.

6. Applicant has filed the correspondence from the office of District Sainik Welfare Officer. It clearly supports the claim of applicant that the opponent no. 1 is drawing pension per month. The opponent has not made any payment towards arrears of maintenance amount after 20.01.2023.

7. The Ld. Adv. Has relied on the judgment of **P. Amutha Vs. Gunsekaran**. In that case Hon'ble Madras High Court observed that, *"exemption under section 11 of Pension Act 1871 as well exemption provided under section 60 (1) (g) of CPC cannot be granted to husband"*. In my humble opinion ratio is applicable to the present case.

8. The opponent & his Ld. Adv. are remained constantly absent thereafter. Thus the default on part of opponent seems to be willful. In the circumstances, prayer of applicant deserves to be allowed. However, taking into account, the total sum of pension drawn by the

opponent and the total arrears amount, prayer of applicant cannot be allowed completely. In the circumstances, attachment of pension to the extent of 1/3rd of the total monthly pension till recovery of the arrears amount would meet the ends of justice. Hence the order -:

ORDER

[1] Application At Exh.42 is allowed.

[2] Issue warrant of attachment of pension of opponent – Sanjay Raghunath Chougule 15370725H Rank - Naik to the extent of 1/3rd of the total pension per month till recovery of total arrears amount of Rs. 4,92,000/- to the concerned authority namely – Public Grievance Office Principal CDA (Pension) Dropadi Ghat Allahabad.

[3] Public Grievance Office Principal CDA (Pension) Dropadi Ghat Allahabad is hereby directed to deduct 1/3rd of the total pension amount drawn by - Sanjay Raghunath Chougule 15370725H Rank - Naik per month from his pension & amount of pension so attached and deducted be deposited in the Court every month, till recovery of the total arrears amount.

[4] Issue letter to the Public Grievance Office Principal CDA (Pension) Dropadi Ghat Allahabad accordingly along with copy of this order for appropriate action.

Panhala
Date - 24/07/2025

Sd/-
K. D. Kakatkar
Judicial Magistrate, First Class,
Panhala.